

ORDINANCE NO. 2014-34

ORDINANCE REZONING FROM GU (INTERIM DISTRICT) TO MH (INDUSTRIAL DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW A TEMPORARY WAIVER OF PLAT, PROVIDED THAT THE PROPERTY WILL BE REPLATTED WITHIN 18 MONTHS FROM THE GRANT OF THE WAIVER. **PROPERTY LOCATED ON VACANT LAND LYING NORTH OF NORTHWEST 138 STREET (WEST 84 STREET) BETWEEN NORTHWEST 105 AVENUE AND NORTHWEST 107 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of May 14, 2014, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby rezoned from GU (Interim District) to MH (Industrial District) and hereby granted a variance permit to allow a temporary waiver of plat, provided that the property will be replatted within 18 months from the grant of the waiver. Property located on vacant land lying north of Northwest 138 Street (West 84 Street) between Northwest 105 Avenue and Northwest 107 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

(See "Exhibit A" attached)

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to

exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

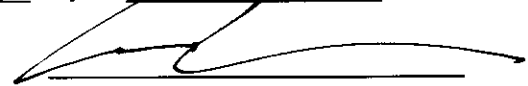
PASSED and ADOPTED this 10 day of June, 2014.


Isis Garcia-Martinez
Council President

Attest:

Approved on this 11 day of JUNE, 2014.


Marbelys Fatjo, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, Acting City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

EXHIBIT A

PARCEL I:

All of Tract 19 and a portion of Tract 21 of "CHAMBERS LAND COMPANY SUBDIVISION" in the SW $\frac{1}{4}$ of Section 20, Township 52 South, Range 40 East, as recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:

Commencing at the SW corner of said Section 20, Township 52 South, Range 40 East; thence North 2°34'51" W along the West line of said Section 20-52-40 for a distance of 329.96 feet; thence N 89°41'23" East along the South line of said Tract 19, of CHAMBERS LAND COMPANY SUBDIVISION, for a distance of 10.01 feet to the Point of Beginning; thence continue N 89°41'23" E along said line of Tract 19, of CHAMBERS LAND COMPANY SUBDIVISION and its extension, to a point that is 35 feet West and parallel to the East line of said Tract 21, of CHAMBERS LAND COMPANY SUBDIVISION, for a distance of 945.25 feet; thence N 2°35'31" W along said line 35 feet West and parallel to the East line of said Tract 21, of CHAMBERS LAND COMPANY SUBDIVISION, for a distance of 330.01 feet; thence S 89°41'12" W along the North line of said Tract 19, of CHAMBERS LAND COMPANY SUBDIVISION and its extension East, for a distance of 945.20 feet; thence S 2°34'51" E along a line parallel and 10 feet East of the West line of said Section 20-52-40, for a distance of 329.96 feet to the Point of Beginning.

LESS THEREFROM the lands Deeded to the County of Dade, a body corporate and political subdivision of the State of Florida, recorded in Official Records Book 16206, Page 3168, described as follows:

That portion of Tract 19 in the SW $\frac{1}{4}$ of Section 20, Township 52 South, Range 40 East of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, recorded in Plat Book 2, at Page 68, of the Public Records of Dade County, Florida, that lies within the West 40 Feet of the SW $\frac{1}{4}$ of said Section 20.

PARCEL II:

All of Tract 20 and a portion of Tract 21 of CHAMBERS LAND COMPANY SUBDIVISION, in the SW $\frac{1}{4}$ of Section 20, Township 52 South, Range 40 East as recorded in Plat Book 2, at Page 68, of the Public Records of Dade County, Florida; that portion of Tract 21 described as follows.

That portion of Tract 21, bounded on the South by the South line of Tract 21, bounded on the East by the West line of the East 35.00 feet of Tract 21; bounded on the North by the North line of said Tract 20 extended Easterly; and bounded on the West by the West line of said Tract 21, all lying in Dade County, Florida.

PARCEL III:

All of Tract 18 and a portion of Tract 21 of CHAMBERS LAND COMPANY SUBDIVISION, in the SW $\frac{1}{4}$ of Section 20, Township 52 South, Range 40 East, as recorded in Plat Book 2, at Page 68, of the Public Records of Dade County, Florida; that portion of Tract 21 described as follows.

That portion of Tract 21, bounded on the South by the South line of Tract 18 extended Easterly; bounded on the East by the West line of the East 35.00 feet of Tract 21; bounded on the North by the North line of said Tract 18 extended Easterly; and bounded on the West by the West line of said Tract 21.

LESS the following lands conveyed to Miami-Dade County for Highway and/or canal purposes recorded July 20, 2009, in Official Records Book 26946, Page 469, being more particularly described as follows:

Legal Description-PARCEL 216

That portion of Tract 20, and that portion of Tract 21, in the Southwest one-quarter (SW $\frac{1}{4}$) of Section 20, Township 52 South, Range 40 East, of CHAMBERS LAND COMPANY SUBDIVISION, according to the plat thereof, as recorded in Plat book 2, at Page 68, of the Public Records of Miami-Dade County, Florida, described as follows:

Beginning at the Southwest corner of the Southwest one-quarter (SW $\frac{1}{4}$) of said Section 20; thence North 02°34'51" West along the West line of the Southwest one-quarter (SW $\frac{1}{4}$) of said Section 20 for a distance of 139.61 feet; thence North 87°25'09" East for a distance of 55.00 feet; thence South 02°34'51" East along a line 55.00 feet East of and parallel to the West line of the Southwest one-quarter (SW $\frac{1}{4}$) of said Section 20 for a distance of 81.75 feet; thence North 89°41'34" East along a line 60.00 feet North of and parallel to the South line of the Southwest one-quarter (SW $\frac{1}{4}$) of said Section 20 for a distance of 511.14 feet; thence North 85°05'16" East for a distance of 311.39 feet; thence North 89°41'34" East 85.00 feet North of and parallel to the South line of the Southwest one-quarter (SW $\frac{1}{4}$) of said Section 20 for a distance of 77.41 feet to a point lying on the West line of the East 35.00 feet of said Tract 21; thence South 02°39'14" East along the West line of the East 35.00 feet of said Tract 21 for a distance of 75.06 feet to a point lying on the South line of the Southwest one-quarter (SW $\frac{1}{4}$) of said Section 20; thence South 89°41'34" West along said South line of the Southwest one-quarter (SW $\frac{1}{4}$) of said Section 20 for a distance of 955.07 feet to the Point of Beginning.

AND

Excepting therefrom any portions of the above-described lands previously dedicated as per Public Right-of-Way.

Legal description as per O.R.B. 28836, Pages 3250-3252, of the Public Records of Miami-Dade County, Florida.